REMARKS

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended in the recent in-person interview conducted with Applicant's representative. The amendments and remarks presented herein are consistent with those discussed during the interview. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Office Action, mailed September 24, 2007, considered and rejected claims 143-191. Claims 143, 144, 146, 147, 149, 155-157, 161-165, 167-173, 176-185 and 187-190 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak* (U.S. Patent No. 5,838,319) in view of *Yagi* (U.S. Publ. No. 2002/0059288) further in view of *Barnett* (U.S. Patent No. 7,174,517). Claims 145, 148, 150, 166, 186 and 191 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak* in view of *Yagi,* further in view of *Barnett* and further in view of *Huang* (U.S. Patent No. 6,571,245.). Claims 151-154 and 174-175 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak* in view of *Yagi,* further in view of *Barnett* and further in view of *Reilly* (U.S. Patent No. 5,740,549). Claims 158, 159 and 160 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Guzak* in view of *Yagi,* further in view of *Leong* (U.S. Patent 5,513,342). [1]

As discussed in the interview, Applicant's claims are generally directed to methods, computer-readable media, and systems for allowing a user to easily find and select resources, even without being aware of the source location of a resource. As reflected in claim 1, for example, a method is recited for displaying a user interface for finding and selecting such resources, and includes displaying a top-level page automatically, upon the initial start-up of the operating system of a computing system. At the top-level page, and initially displayed and visible thereon, are multiple categories. Each of the multiple categories includes a higher level category heading and a lower list of resources. The category heading identifies a relationship between each of the listed resources and has a link to a category page which includes links to resources which are related by the identified relationship. The relationship between the resources under the various headings, whether in the list or on the category page, is unrelated to

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

the source location where the resources can be found, and each includes a link by which a desired resource can be accessed. Accordingly, when the top-level page is initially displayed, a set of headings and a corresponding list of resources for the headings, are each displayed.

Independent claim 190 recites a system generally corresponding to the method of claim 143, and independent claims 164 and 189 recite a similar method and computer-readable medium that further include registering a plurality of local and remote resources at a computing system and identifying local relationships between the resources. In the method, a shell interface is displayed with a start page having a customized heading region identifying the start page and having a link to customize the page. A hierarchical links region is also on the start page with multiple categories, including an activity center category with links that, when selected, replace the entire start page with a second-level category page also having a heading associated with the selected category on the start page, and in which the secondary page includes links to local and remote resources related by a particular theme.

As discussed during the interview, while the cited references generally relate to providing user's access to resources, they fail to disclose or suggest a method, computer-readable medium, or system as reflected above. For example, and by way of representation and not limitation, the cited references fail to disclose or suggest wherein a top-level page having a plurality of hierarchical categories is displayed automatically, upon the initial start-up of an operating system, as recited in combination with the other claim elements.

For example, *Guzak* generally relates to the Windows Explorer™ system in which a tree view control provides hierarchical access to resources such as application programs. (*Abstract*; Fig. 2). In *Guzak*, a hierarchical tree of items for a particular volume (e.g., the C: drive) may be displayed in connection with an operating system such as Microsoft Windows 95. (Col. 3, ll. 22-26; *see also* Fig. 2). The hierarchical tree is displayed with expandable and collapsible items, which includes icons to indicate whether the tree is in a collapsed or expanded state. (Col. 1, ll. 41-46; Col. 2, ll. 61-66; Fig. 2). The code structures and messages for implementing the tree view control can be implemented within a DLL in the operating system.

Although not explicitly disclosed in *Guzak,* it is well known in the art that a Windows Explorer system such as that disclosed is accessible by a user, upon right-clicking on a "Start"

button of the operating system, and thereafter selecting an "Explore" option. Furthermore, instead of displaying the Windows Explorer option on start-up, Windows 95 would instead display a background with a set of independent, non-hierarchically arranged icons linked to different resources.

Thus, while *Guzak* discloses a hierarchical tree, it fails to disclose a system in which such a list is displayed automatically, upon start-up of the system. Indeed, and to the contrary, the disclosed explorer system is displayed only upon user selection of the resource, which is two clicks deep into the operating system. Furthermore, when a background is displayed, it merely includes icons and no hierarchical arrangement.

Yagi is similarly deficient in this regard. Specifically, *Yagi* discloses a file handling system designed to improve the efficiency of file selection in a GUI environment. (Abstract). In one aspect, a file selection control screen is displayed from which a user can select a file to be opened. (¶ 81). A separate settings page may further be used to specify the user's preferences for the file selection control screen. (¶ 83). Such settings allow a user to specify certain files and folders which should always be displayed in the file selection control screen. (¶¶ 66, 67, 76, 83; Figs. 4B, 7B). The files are then identified in a window under the heading "Prespecified files", and the folders are identified in a window under the heading "Prespecified folders." (¶ 83; Fig. 7B). Additional windows for recently accessed files and folders can also be included. (¶ 83; Fig. 7B). If a user desires a file in such a window, the user can select the file to move the name of the file to a File Name field, and the file can be opened by selecting an Open button. (¶ 84).

Accordingly, *Yagi* discloses that a file management system can be opened and that categories of resources are displayed only after selection of an appropriate window. In other words, *Yagi* fails to disclose that its system is automatically displayed when the operating system is loaded. Furthermore, even were it displayed upon system start-up, the files and folders are listed in categories, with appropriate headings, only after accessing a separate window within the file management system.

Furthermore, *Barnett* expressly teaches against a system in which a top-level page with appropriate categories is displayed automatically, upon initial start-up of an operating system. Specifically, in *Barnett*, an online calendar and event application is disclosed. (Abstract; Col. 1,

ll. 14-18). Specifically, the calendar and event application is accessible over the Internet upon a user navigating among the various pages by clicking on hypertext links. (Col. 7, ll. 50-55). To access the pages, however, a user must first connect to the Internet and then connect to the application or website. (Col. 7, ll. 62-67). Once the user has logged in to the online application, a What's new page is displayed, from which the user can then also use tabs to access various other pages. (Col. 8, ll. 12-22).

Accordingly, *Barnett* discloses a system for viewing an online calendar and finding out about events through a web-based application. To access the application, however, the user must first connect to the Internet and navigate to the appropriate page. In other words, rather than automatically starting the page upon start-up of an operating system, *Barnett* discloses that a user must determine whether to access the calendaring system and thereafter navigate to the page.

Accordingly, whether the references are considered alone or in combination, the references fail to disclose or suggest Applicant's claimed invention. For example, the references fail to disclose or suggest a system in which a hierarchically-arranged list of resources (with a linked heading and list of available resources) are provided to a user automatically, upon initial start-up of an operating system. Indeed, nothing in the cited references changes or supports any modification to a traditional operating system in which a background is displayed with various icons which have no hierarchical or other arrangement.

Furthermore, and notwithstanding the above deficiencies in the above-cited references, Applicant respectfully submits that the combination of references relied upon by the Examiner, namely *Guzak, Yagi* and *Barnett* is also an improper combination. For example, when references are combined, the references must be considered in their entirety, and establish a *prima facie* case of obviousness only when the combination does not change the principle of operation of the prior art reference being modified. (M.P.E.P. § 2143.02).

In response to the rejection in the present application, Applicant notes that the *Guzak* reference is directed specifically to an expandable tree structure which defers processing of all elements by initially showing elements in a collapsed tree view. Only after selection of the expansion icon do are all elements of the tree structure displayed.

Yagi has a similar disclosure in that when resources are made available they are either included in a nearly identical collapsible tree structure, or displayed without a hierarchical arrangement.

The Office Action then combines the *Barnett* reference to directly contradict the teachings of both *Guzak* and *Yagi*, namely by eliminating the expandable nature of the collapsible tree. Specifically, *Barnett* is used for the teaching that elements of a hierarchically arranged page are initially displayed and listed under their respective category headings. Such a teaching directly contradicts the modified references and changes the principle of operation of at least the *Guzak* reference, thereby making the combination improper.

Furthermore, where the teachings of the prior art conflict, the Office must weight the suggestive power of each reference. (M.P.E.P. § 2143.01(II)). Were such a weighing to occur in this case, the strength of the all-inclusive disclosure of the *Guzak* reference (in which the expandable tree is the primary result) against the minor disclosure in *Barnett* would clearly weight against combination in the manner suggested by the Office. This is even more so considering the reason provided by the Office as to why one of art would modify *Guzak* and *Yagi* is to provide users with an event directory that provides detailed descriptions of event categories. Such a benefit is also provided by including the events in an expandable directory such as that in *Guzak*. Furthermore, *Guzak* and *Yagi* relate to accessing files and applications through the directory tree, while *Barnett* merely describes how to obtain information about external events (e.g. movies soon to be released). As the identification of events external to the system is unrelated to finding and accessing files and programs on the system, one of skill in the art would not have any reason to modify *Guzak* and *Yagi* in the suggested manner.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time.[2] It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate
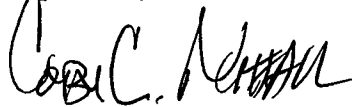
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[2] Nevertheless, Applicant also notes for the record that the rejection of claims 158-160 in the Office Action is ambiguous. In particular, the claims are rejected in view of *Guzak, Yagi* and *Leong*. Nevertheless, to support the rejections, the Office relies on disclosure in *Barnett* and *Reilly*, neither of which is made the basis of the rejection.

time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as an explicit reason as to why one of ordinary skill in the art would have modified the art to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 30th day of October, 2007.

Respectfully submitted,

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